

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JACQUIE R. BATES,	)	
	)	No. CV-12-92-JPH
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
v.	)	MOTION FOR REMAND
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings. **ECF No. 19**. Maureen Rosette represents plaintiff. Special Assistant United States Attorney Nancy A. Mishalanie represents defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

After considering the stipulated motion, ECF No. 19, **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including:

1. The ALJ will conduct a new hearing and enter a new decision with respect to plaintiff's applications under both Title II and Title XVI of the Social Security Act.

2. On remand the ALJ will take update the record and receive any additional evidence plaintiff wishes to submit.

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1        3. The ALJ will give further consideration to plaintiff's  
2 mental impairment(s) documenting the special technique as set  
3 forth in 20 C.F.R. §§ 404.1520a; 416.9202.

4        4. The ALJ will evaluate the non-examining State agency  
5 medical source opinions.

6        5. The ALJ will give further consideration to claimant's  
7 subjective allegations.

8        6. The ALJ will re-determine plaintiff's residual functional  
9 capacity.

10       7. The ALJ will continue with the remaining steps of the  
11 sequential evaluation, taking into consideration plaintiff's  
12 ability to perform her past relevant work at step four and  
13 obtaining supplemental vocational expert evidence regarding the  
14 erosion of the occupational base caused by plaintiff's assessed  
15 limitations, if necessary.

16       Because this remand is pursuant to sentence four with a  
17 remand to the Commissioner for further proceedings (*see Melkonyan*  
18 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to  
19 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412  
20 (a), (d), upon proper request to this Court.

21 IT IS FURTHER ORDERED:

22       1. The parties' stipulated motion for an order of remand  
23 pursuant to sentence four, ECF No. 19, is **GRANTED**.

24       2. Judgment shall be entered for **PLAINTIFF**.

25       3. An application for attorney fees and costs may be filed by  
26 separate motion.

27       4. The District Court Executive is directed to enter this

28  
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1 Order, enter judgment, forward copies to counsel, and **CLOSE** the  
2 file.

3 **IT IS SO ORDERED.**

4 **DATED** this 3rd day of December, 2012.

5  
6 s/James P. Hutton  
7 JAMES P. HUTTON  
8 UNITED STATES MAGISTRATE JUDGE  
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